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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013- 624

**A C C U S A T I O N**

13 **CAROL B. CRANE,**  
14 **AKA CAROL BANCROFT,**  
15 **AKA CAROL B. BANCROFT,**  
16 **AKA CAROL BANCROFT CRANE,**  
17 **AKA CAROL B. BANCROFT CRANE,**  
18 **AKA CAROL DECASEMBROOT,**  
19 **AKA CAROL DE CASEMBROOT,**  
20 **AKA CAROL BANCROFT DE CASEMBROOT,**  
21 **AKA CAROL B. BANCROFT DE CASEMBROOT**  
**PO Box 1437**  
**Kemah, Texas 77565**

22 **Registered Nurse License No. 207978**

Respondent.

23 Complainant alleges:

**PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
25 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
26 Consumer Affairs.

27 2. On or about July 31, 1970, the Board of Registered Nursing issued Registered  
28 Nurse License Number 207978 to Carol B. Crane, also known as Carol Decasembroot, Carol B.

1 Bancroft De Casembroot, Carol B. Bancroft, Carol Bancroft Crane, Carol B. Bancroft Crane,  
2 Carol De Casembroot, and Carol Bancroft De Casembroot (Respondent). The Registered Nurse  
3 License was in full force and effect at all times relevant to the charges brought herein and  
4 expired on February 28, 2005, and has not been renewed.

### 5 JURISDICTION

6 3. This Accusation is brought before the Board of Registered Nursing (Board),  
7 Department of Consumer Affairs, under the authority of the following laws. All section  
8 references are to the Business and Professions Code unless otherwise indicated.

9 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent  
10 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
11 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
12 Nursing Practice Act.

13 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a  
14 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
15 against the licensee or to render a decision imposing discipline on the license. Under section  
16 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

### 17 STATUTORY PROVISIONS

18 6. Section 2761 of the Code states:

19 The board may take disciplinary action against a certified or licensed  
20 nurse or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, which includes, but is not limited to, the  
22 following:

....

23 (4) Denial of licensure, revocation, suspension, restriction, or any other  
24 disciplinary action against a health care professional license or certificate by another state  
25 or territory of the United States, by any other government agency, or by another  
26 California health care professional licensing board. A certified copy of the decision or  
27 judgment shall be conclusive evidence of that action.

....

### 28 COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
the administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Out of State Discipline)**

5 8. Respondent has subjected her Registered Nurse License to disciplinary action  
6 under Code section 2761, subdivision (a)(4), in that her Texas registered nurse license was  
7 disciplined pursuant to Texas Occupation Code (TOC), sections 301.458, by the State of Texas  
8 Board of Nursing (Texas Board) in a disciplinary action, which resulted in her Multistate  
9 Licensure Compact Privilege Associated With Idaho Permanent Certificate Number 17471,  
10 previously issued in the name Carol B. Bancroft De Casembroot, to practice professional nursing  
11 in the State of Texas REVOKED. The circumstances are as follows.

12 9. Respondent is a Registered Nurse holding a Multistate Licensure Compact  
13 Privilege Associated with the State of Idaho Registered Nurse License Number 17471, which  
14 was in current status and in full force and effect at all times relevant to the charges brought.

15 10. On June 8, 2010, pursuant to Texas Government Code (TGC) section 2001.056,  
16 the Disciplinary Committee of the Texas Board entered a disciplinary action against  
17 Respondent's registered nurse license in a matter entitled, *In the Matter of Multistate Licensure*  
18 *Compact Privilege Associated With Idaho Registered Nurse License Number 17471 Issued to*  
19 *Carol B. Bancroft De Casembroot*, by entering a default order revoking Respondent's privilege  
20 to practice professional nursing in the State of Texas.

21 11. The facts that led to the discipline are as follows. On September 21, 2007, while  
22 utilizing Respondent's multistate licensure compact privilege associated with her license to  
23 practice professional nursing in the State of Idaho, and employed as a surgical nurse with Clear  
24 Lake Regional Medical Center in Webster, Texas, Respondent failed to accurately conduct a  
25 surgical sponge count of a patient, resulting in two laparotomy surgical sponges being left in the  
26 abdominal surgical site. Consequently, on December 10, 2007, the patient presented to the  
27 Medical Center with an intra-abdominal infection requiring emergency surgery to remove the  
28 laparotomy sponges, which were adhered to the patient's intestines. Respondent's conduct

1 caused substantial injury to the patient, which constitutes grounds for disciplinary action in  
2 accordance with TOC section 301.452, subdivision (b)(10) and subdivision (b)(13), and is a  
3 violation of title 22 Texas Administrative Code (TAC) section 217.11, subdivision (1)(B) and  
4 subdivision (1)(D), and title 22 TAC section 217.12, subdivision (1)(B), subdivision (1)(C), and  
5 subdivision (4).

6 12. On April 9, 2010, pursuant to TGC section 2001.054, subdivision (c) the Texas  
7 Board sent written notice of the facts and the conduct alleged to warrant adverse licensure action  
8 to respondent at her address of record and was given an opportunity to show compliance with all  
9 requirements of the Nursing Practice Act, chapter 301 of the TOC for the retention of the license  
10 prior to commencement of disciplinary proceeding under TOC section 301.452, subdivision (b).  
11 Respondent failed to appear in accordance with title 22 TAC chapter 213.

#### 12 **SECOND CAUSE FOR DISCIPLINE**

##### 13 **(Out of State Discipline)**

14 13. Respondent has subjected her Registered Nurse License to disciplinary action  
15 under Code section 2761, subdivision (a)(4), in that her license to practice nursing in Idaho was  
16 disciplined by the State of Idaho Board of Nursing (Idaho Board) in a disciplinary action, which  
17 resulted in her license being suspended indefinitely. The circumstances are as follows:

18 14. The Idaho Board licensed Respondent to engage in the practice of nursing under  
19 License number N-17471, with the continued right to licensure subject to compliance with the  
20 laws of the Idaho Board codified at title 54 Idaho Code chapter 14 and the rules of Idaho Board,  
21 promulgated at Idaho Administrative Procedures Act (IDAPA) 23.01.01, *et seq.*

22 15. On April 26, 2011, pursuant to Idaho Code section 67-5242, subdivision (4), the  
23 Idaho Board entered an Order of Default in a matter entitled, *In the Matter of the License of:*  
24 *Carol Decasembroot, License No. N-17471*, indefinitely suspending Respondent's professional  
25 nurse license to practice nursing in the State of Idaho. The Idaho Board found Respondent to  
26 have violated the following laws and rules governing Idaho nursing practice:

27 a. Idaho Code section 54-1413, subdivision (1)(d), a nurse shall not engage  
28 in conduct that is grossly negligent or reckless when performing nursing functions;

1                   b.       Idaho Code section 54-1413, subdivision (1)(g) and Idaho Board Rule  
2 100.08, a nurse shall not violate the Board's laws, rules or standards of conduct and practice;

3                   c.       Idaho Code section 54-1413, subdivision (1)(h) and Idaho Board rule  
4 100.09, a nurse shall not engage in conduct of a character likely to deceive, defraud, or endanger  
5 patients or the public;

6                   d.       Idaho Code section 54-1413, subdivision (1)(i), a nurse shall not have  
7 his/her license to practice nursing suspended or revoked in any jurisdiction; and Idaho Board  
8 Rule 100.10, a nurse shall not have action or discipline taken against his/her license or privilege  
9 to practice nursing in any jurisdiction;

10                  e.       Idaho Board Rule 101.04.a, a nurse should have knowledge of the statutes  
11 and rules governing nursing and shall function within the defined legal scope of nursing practice;

12                  f.       Idaho Board Rule 101.04.d, a nurse shall act to safeguard the patient from  
13 the incompetent practice, verbal or physical acts or illegal practice of any person; and

14                  g.       Idaho Board Rule 101.05.c, a nurse shall be responsible and accountable  
15 for his/her nursing judgments, actions and competence.

16                  16.       The facts that led to the discipline are as follows. On January 6, 2011, the Idaho  
17 Board filed a formal Complaint against Respondent based on Respondent's out of state discipline  
18 by the Texas Board, as detailed in paragraphs 8 to 12, above, which are expressly incorporated  
19 herein and made part hereof. On the same date, copies of the Complaint, along with the  
20 Notification of Procedural Rights were sent to Respondent by United States Postal Service  
21 (USPS) certified and regular mail. On January 10, 2011, Respondent received the documents but  
22 failed to file a formal Answer to the Complaint within 21 days. On March 10, 2011, the Idaho  
23 Board sent Respondent via USPS certified and regular mail a Notice of Proposed Default and  
24 Default Order but she failed to contest the entry of the proposed Default Order within seven days  
25 of service. On March 22, 2011, the appointed Hearing officer issued a Default Order, which  
26 found as true that Respondent had failed in accurately conducting a surgical sponge count and  
27 that her multistate licensure compact privilege was revoked by the Texas Board, without the  
28 necessity of conducting a hearing.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 207978, issued to Carol B. Crane;
2. Ordering Carol B. Crane to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: February 19, 2013 for Louise Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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